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June 16, 2010

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: Elgin, Joliet & Eastern Railway Company Abandonment in Lake County, Indiana.
STB Docket AB_117 (Sub-No. 7X)

Dear Ms. Quinlan:

This request is filed on behalf of the Northwest Indiana Railroad Preservation Society, which is a non-profit organization in the State of Indiana, and is hereinafter referred to as 'proponent'.

While not taking a position on the merits of this abandonment, proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between milepost 46.10 and milepost 48.28, a distance of 2.18 miles, in Hammond, Lake County, Indiana. The line traverses United States Postal Service Zip code 46320.

A. Public Use Condition

Proponent requests the STB to find that this property is suitable for other public use, specifically educational and recreational use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor including, but not limited to, tracks, ties and signal equipment. The justification for this condition is to allow proponent to continue with the planning and development of a new railroad training facility. This facility shall provide for education and training of emergency personnel with regard to railroad emergencies and disasters, working in confined spaces and any and all other railroad related activities. The facility shall promote the restoration, replication, preservation and demonstration of railroading activity and heritage within Hammond and Northwestern Indiana. Lastly, the facility shall include a recreational trail that will connect to a public park that is in accordance with local plans. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to assemble or to review title information, complete planning or commence negotiations with the carrier.

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2. An order barring removal or destruction of related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for the facilities purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, the Northwest Indiana Railroad Preservation Society is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by the Elgin, Joliet & Eastern Railway Company.

The property extends from railroad milepost 46.10 near the intersection of S. Hohman Avenue and E. Michigan Street to railroad milepost 48.28 near S. Indianapolis Boulevard a distance of 2.18 miles, in Hammond, Lake County, Indiana. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-117 (Sub-No. 7X).

The Northwest Indiana Railroad Preservation Society acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon the Elgin, Joliet & Eastern Railway Company, Thomas J. Healey, 17641 S. Ashland Avenue, Homewood, Illinois, by U.S. Mail, postage prepaid, priority overnight, on June 17, 2010.

Respectfully submitted,

Joseph Novosel Jr.
Vice President
On behalf of the Northwest Indiana Railroad Preservation Society